

Magistrate Judge James R. Melinson

Magistrate Judge Melinson was born in 1939. He received a B.A. (with honors) from LaSalle University in 1961 and a J.D. from Temple University School of Law in 1968. Magistrate Judge Melinson was in private practice in Philadelphia, Pennsylvania, from 1968 to 1988, concentrating in labor relations. From 1988 to 1990, Magistrate Judge Melinson served on the Superior Court of Pennsylvania. Magistrate Judge Melinson was appointed a United States Magistrate Judge in 1990.

PRELIMINARY GENERAL MATTERS

1. Correspondence With the Court

Judge Melinson permits correspondence from counsel to the Court.

2. Communications With Law Clerks

Judge Melinson has no objection to counsel speaking with his law clerks, but counsel are not to seek legal advice and the law clerks are precluded from giving any advice, opinions, or extensions of time.

3. Telephone Conferences

Judge Melinson encourages the use of telephone conferences.

4. Oral Arguments and Evidentiary Hearings

Judge Melinson does not set aside any special days or times for oral arguments or evidentiary hearings.

5. Pro Hac Vice Admissions

Judge Melinson permits oral motions for *pro hac vice* admission on the day the attorney to be admitted first appears.

CIVIL CASES

Pretrial Procedure

1. Pretrial Conferences

Judge Melinson conducts status conferences, settlement conferences, and final pretrial conferences. He does not use a standard agenda for pretrial conferences, other than that set forth in the Federal Rules of Civil Procedure and the Local Civil Rules.

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Continuances and Extensions

1. *General Policy*

Judge Melinson's policy is to be flexible and he attempts to accommodate counsel when possible. Judge Melinson becomes less flexible as the litigation nears trial. Generally, Judge Melinson seeks agreement among counsel when scheduling a trial.

2. *Requests for Extensions and Continuances*

Judge Melinson prefers stipulations to extensions and continuances when possible. Judge Melinson does not require a formal motion.

General Motions Practice

1. *Oral Arguments on Motions*

Judge Melinson permits oral arguments when appropriate.

2. *Reply and Surreply Briefs*

Judge Melinson permits the filing of reply and surreply briefs.

3. *Chamber Copies of Motion Papers*

Judge Melinson prefers to receive courtesy copies of motion papers.

Discovery Matters

1. *Length of Discovery Period and Extensions*

Judge Melinson has no general policy regarding the length of time usually permitted for discovery. His policy on requests for extensions of the discovery period is set forth above.

2. *Discovery Conferences and Dispute Resolution*

Judge Melinson holds discovery conferences at the request of counsel and also initiates them *sua sponte*. Judge Melinson permits telephone conferences to resolve discovery disputes that arise during depositions.

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3. Confidentiality Agreements

Judge Melinson permits the submission of stipulated confidentiality orders for consideration and approval. He will sometimes hold conferences to discuss the proposed agreements.

4. Expert Witnesses

Judge Melinson encourages the submission of expert reports and the taking of expert depositions. He prefers that the parties identify experts as early as possible; however, they must be identified in the pretrial memoranda.

Settlement

1. General Approach to Settlement and Non-jury Cases

Judge Melinson is firmly committed to the plan developed by the Civil Justice Reform Act Panel for the Eastern District of Pennsylvania. He will become actively involved in settlement of jury cases. He will also participate in negotiations in non-jury cases with the agreement of all counsel.

During his tenure with this court, Judge Melinson has been particularly interested in the settling of cases. Judge Melinson believes his effectiveness in settling cases results from his willingness to devote a good deal of time and energy to the settlement process. He expects counsel and their clients to devote the same effort to the process, and requires that the parties to the litigation be present or available by phone for the duration of the conference.

2. Referral of Settlement Negotiations to Another Magistrate Judge or a District Court Judge

Judge Melinson does not refer settlement negotiations to other judges.

Arbitration

1. General Approach to Arbitration Cases

Judge Melinson has no special procedures or practices with respect to arbitration cases which differ from those used in cases certified as involving more than \$100,000.

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Proposed Final Pretrial Memoranda

1. Required Form of Pretrial Memoranda

Judge Melinson has no requirements regarding proposed final pretrial memoranda other than those set forth in Local Civil Rule 21.

Trial Procedure

1. Scheduling of Cases

Judge Melinson assigns a date certain for trial.

2. Conflicts of Counsel

Judge Melinson requires that counsel notify him in writing of any professional or personal conflicts affecting his trial schedule.

3. Cases Involving Out-of-Town Parties or Witnesses

Judge Melinson has no special policies in this regard but will try to accommodate out-of-town participants if scheduling problems arise.

4. Notetaking by Jurors

Judge Melinson permits notetaking by jurors only in complex or lengthy cases.

5. Trial Briefs

Judge Melinson encourages the submission of trial briefs.

6. Voir Dire

Judge Melinson permits counsel to conduct all *voir dire*. Judge Melinson does not preside, but his Deputy Clerk is present. Disputes are resolved in chambers. Judge Melinson generally does not place a time limit on *voir dire*.

7. Side Bars

Judge Melinson permits side bars, but on a complex motion or objection, he will hold argument out of the hearing of the jury.

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8. *In Limine Motions*

Judge Melinson requires that motions *in limine* be submitted prior to the final pretrial conference.

9. *Examination of Witnesses Out of Sequence*

Judge Melinson permits counsel to examine witnesses out of turn.

10. *Opening Statements and Summations*

Judge Melinson has no fixed time limits for opening statements or summations. He will grant a reasonable amount of time as dictated by the nature of the case.

11. *Examination of Witnesses or Argument by More Than One Attorney*

More than one attorney for a party may examine different witnesses or argue different points before Judge Melinson.

12. *Examination of Witnesses Beyond Redirect and Recross*

Judge Melinson has no special policy on this subject, but is guided by whether further questioning will be helpful in resolving a factual issue.

13. *Videotaped Testimony*

Judge Melinson has no special policy on the use of videotaped testimony.

14. *Reading of Material Into the Record*

Judge Melinson has no special practice or policy on the reading of stipulations, pleadings, or discovery materials into the record.

15. *Preparation of Exhibits*

Judge Melinson requires that all exhibits be marked and exchanged prior to trial. Counsel should provide one copy of the exhibits to Judge Melinson.

16. *Offering Exhibits Into Evidence*

Judge Melinson prefers that exhibits be offered into evidence at the close of each party's case-in-chief.

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17. Motions for Judgment as a Matter of Law and Motions for Judgment on Partial Findings

Judge Melinson has no special policy or practice on motions for judgment as a matter of law (or a motion for judgment on partial findings). If the motion is oral, it must be formalized by the submission of a written motion. Judge Melinson may require briefing, and usually permits oral argument, on such motions.

18. Proposed Jury Instructions and Verdict Forms

Judge Melinson requires proposed jury instructions be submitted prior to trial, but will accept supplemental proposed jury instructions. Judge Melinson usually conducts a conference on proposed jury instructions prior to closing arguments.

19. Proposed Findings of Fact and Conclusions of Law

In non-jury trials, proposed findings of fact and conclusions of law must be submitted prior to the commencement of trial.

Jury Deliberations

1. Written Jury Instructions

Judge Melinson does not give a copy of his instructions to the jury.

2. Exhibits in the Jury Room

Exhibits are not automatically sent out to the jury. Judge Melinson asks counsel to stipulate to what will be sent out with the jury. If counsel cannot agree, he will rule on the requests.

3. Handling of Jury Requests to Read Back Testimony or Replay Tapes

Judge Melinson will not usually grant requests to read back portions of testimony or replay tape records or videotapes.

4. Availability of Counsel During Jury Deliberations

Judge Melinson usually requires counsel to remain in the courtroom or courthouse during deliberations.

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5. Taking the Verdict and Special Interrogatories

Judge Melinson has no standard practice with respect to whether a special or general verdict will be taken. It is his usual practice to submit interrogatories to the jury.

6. Polling the Jury

Judge Melinson will grant a request to poll the jury.

7. Interviewing the Jury

Jurors may not be interviewed in the courtroom.

CRIMINAL CASES

1. Approach to Oral Argument and Motions

Judge Melinson permits oral argument when appropriate.

2. Pretrial Conference

Judge Melinson does not conduct pretrial conferences in criminal cases.

3. Voir Dire

Judge Melinson generally conducts *voir dire* in criminal cases. He encourages counsel to submit proposed questions prior to *voir dire*.

4. Sentencing Memoranda

Judge Melinson permits the submission of sentencing memoranda.

OTHER GENERAL MATTERS

Judge Melinson would like to receive copies of appellate briefs when a decision rendered by him is appealed.